IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MAOR GILA

Serial No.: 10/627,739

Filed: July 28, 2003

For: CULTURED CARTILAGE/BONE CELLS/ TISSUE, METHOD OF GENERATING ..

§ Group Art Unit: 1651

§ Attorney

§ Docket: 26243

Examiner: Leon B. Lankford, Jr.

Commissioner for Patents
P. O. Box 1450
Alexandria VA 22313

RESPONSE

Sir:

This is in response to the United States Patent and Trademark Office Action mailed April 6, 2006, which response is being made on or before June 6, 2006, for which a one month extension fee is due and enclosed herewith.

Claims 1-107 are in this case. The Examiner required a restriction between six inventions deemed distinct from one another.

**Since Applicant is required to elect, Applicant hereby elects, with traverse, Group I, as defined by claims 1-44.**

Applicant respectfully requests that the claims of Group VI be examined with those of Group I.

The Examiner stated that inventions I (claims 1-44) and VI (claims 104-107) are distinct inventions and thus are subject to restriction. The Examiner stated that the inventions are distinct processes in that the methods are not dependent on each other, not to be used together and have different functions, modes of operation and effects. Specifically, the Examiner states that invention VI is distinct from the culture method of invention I because is intended to isolate chondrocytes from a mandibular tissue and one need not practice this method to practice the invention of Group I.

For reasons set forth below, Applicant requests the restriction requirement to be reconsidered.

Contrary to Examiner's assertion, independent claim 104 of group VI recites similar method steps to those recited by claims 1 and 2 of group I. Essentially, the selective isolation of chondrocytes from a mandibular tissue as recited in claim 104 is effected in step (a) of claim 1 (i.e., isolation) and claim 2 (selectivity). Thus, contrary to the Examiner's assertion, one needs to practice the method steps of claim 104 to arrive at the invention defined by claims 1 and 2. Thus, it is Applicant strong opinion that in view of the similarity in method steps, searching and examination of Groups I and VI would not result in undue burden.

It will be further appreciated by the Examiner that both methods of Group I and Group VI require the same technical skills and therefore will be effected at the same laboratory setting, again pointing to the same invention.

Respectfully submitted,

Martin Moynihan,
Registration No. 40,338

June 5, 2006